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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,568	08/20/2001	Safi Qureshey	SQURESH.001C1	5773

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EXAMINER

TRAN, CONGVAN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 03/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,568

Applicant(s)

QURESHEY ET AL.

Examiner

CongVan Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001 and 16 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 6-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 50-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Pre-Amendment filed on Aug. 20, 2001.
2. Claims 1-4 6-49 have been canceled.
3. Claims 50-53 have been added.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makovitz (5,949,492) in view of Kwoh (6,204,885).

Regarding claim 5, Makovitz an apparatus and methods for accessing information relating to radio television programs comprising: a visual display for providing information to a user (see, fig.4, element 101, fig.9, element 708 and its description); a modem for transmitting and receiving digital data over a communications network (see fig.9, elements 707, PHONE LINE, and its description); a data storage device (see fig.4, element 202, fig.9, element 702, and its description); one or more loudspeakers (it is inherent in broadcast receiver, such as Radio Receiver or TV);and a software program stored on said data storage device, said software program configured to use said modem to connect to an Internet service provider, receive digitized audio broadcasts from said Internet service provider, and play said audio broadcasts on said speakers, said software further configured to provide: a menu display that allows the

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user to select a command (see fig.9, elements, 701, 702, and its description); a program material display to allow the user to select a type of program material (see col.1, lines 33-43); and a select broadcast display to allow the user to select a program broadcast (see col.2, lines 34-55); except for selecting language display. However, Kwoh discloses a method and apparatus displaying textual or graphic data on the screen of television receivers (see fig.4 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Kwoh's language selection to the Makovitz's system in order to improve the use of radio/audio broadcast receiving systems.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).


7. Claims 50-53 rejected under 35 U.S.C. 102(e) as being anticipated by Makovitz (5,949,492).

Regarding claims 50-53, Makovitz an apparatus and methods for accessing information relating to radio television programs comprising: a visual display for providing information to a user (see, fig.4, element 101, fig.9, element 708 and its description); tuner circuitry for receiving radio frequency signals from radio broadcast stations (see fig.4, element 207, fig.8, element 603 and its description); one or more audio amplifiers (it is inherent in broadcast receiver, meaning volume control); one or more loudspeakers operably connected to said audio amplifiers (it is inherent in broadcast receiver, such as Radio Receiver or TV); a modem for transmitting and receiving digital data over a communications network (see fig.9, elements 707, PHONE LINE, and its description); a data storage device (see fig.4, element 202, fig.9, element 702, and its description); and a software program stored on said data storage device, said software program configured to use said modem to connect to an Internet service provider to receive digitized audio broadcasts from said Internet service provider, said program further configured to provide a select broadcast display to allow the user to selectably connect a program broadcast to the input of said one or more audio amplifiers either from a local AM or FM radio station or from the world wide Web so that to the user, reception of a broadcast from the world wide Web is no more complicated than listening to a local FM or AM radio station (see fig.9, elements, 701, 702, fig. 14 and its description).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 703-305-4024. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CONGVANTRAN
PATENT EXAMINER

CongVan Tran
Examiner
Art Unit 2683

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